

## Engineers and Constructors

### ALASKA OPERATIONS

Contract No. DACA85-95D-0018

Page 1

Project: Annette Island

DC#AKT-J07-05M314-G01-0014

Confirmation of:	<input checked="" type="checkbox"/>	Conference	Date Held: 2 Jun 99	8:00 am (Alaska)
	<input type="checkbox"/>	Teleconference	Date Issued: 10 Jun 99	
	<input type="checkbox"/>	Other:	Recorded By: Lyn Dokoozian	
			Place: Metlakatla, Alaska	

**Subject: Annette Island MOU Work Group Meeting**

Participant	Organization	Phone
Atkinson, Sol	Metlakatla Indian Community Council	907-886-1121
Benson, Jeff	Metlakatla Indian Community Environmental	907-886-4200
Beyette, Garth	Federal Aviation Administration	907-271-3355
Boynton, June	Bureau of Indian Affairs	503-231-6749
Commack, Roxanne	Metlakatla Indian Community	907-886-4200
Deering, Bob	U.S. Coast Guard	907-463-2440
Dokoozian, Lyn	Jacobs Engineering Group	907-563-3322
Elconin, Andrea	U.S. Army Engineer District-Alaska	907-753-2893
Gunyah, Edward	Bureau of Indian Affairs	907-886-3791
Hanneman, David	U.S. Army Engineer District-Alaska	907-753-5709
Jean, Lucy	Federal Aviation Administration/JALCO	907-271-5225
Renk, Russ	Federal Aviation Administration/NISC	907-271-3294
Ridolfi, Callie	Ridolfi Engineers	206-682-7294

## MEETING MINUTES

Action Required By	Item
	<p>This was the monthly MOU Work Group meeting. The following agenda was presented:</p> <ul style="list-style-type: none"> <li>1.0 Roll Call</li> <li>2.0 General Information</li> <li>3.0 Action Items Update</li> <li>4.0 New Action Items/Issues</li> <li>5.0 Schedules</li> <li>6.0 Newsletter Articles</li> <li>7.0 Schedule for ERAC and MOU Work Group Meetings and Teleconference</li> </ul>
<b>1.0</b>	<p><b>Roll Call</b></p> <p>USAED introduced Dave Hanneman, a technical engineer.</p>



	<p><b>2.0 General Information</b></p> <p><u>FAA</u></p> <p>Beyette said FAA has been working on the web site, and it will be ready for public review and comment in three to four weeks. The web site will be on a separate server and include one page list of significant issues to which the MOU Work Group has agreed.</p> <p>Bill Kansier and three other FAA staff from Washington D.C. will be in Alaska during June. They will visit Annette Island on 22-23 Jun 99 to review the project and conduct a site walk.</p> <p>FAA received a call two weeks ago from Matt Carr of the EPA Emergency Response Group. He received reports from USCG of oil spills and hazardous materials at Metlakatla Power and Light's old power plant. The group has seen spilled drums of oil at the site. Benson said MPL is removing the drums but is hindered by a lack of funding and personnel.</p> <p>Jean said the site preparation contract will be ready mid-July.</p> <p>Beyette said FAA is working with Chevron to determine those areas for which they are responsible. Litigation may be required to settle these issues.</p> <p><b>Action:</b></p> <p>Visit Annette Island on 22-23 Jun 99 to review the project and conduct a site walk.</p> <p>Respond to Carr's inquiry re MPL's old power plant.</p> <p>Prepare site preparation contract.</p> <p>Continue to work with Chevron to resolve responsibility issues.</p> <p><u>USAED</u></p> <p>Elconin said USAED's work plan will be submitted on 7 Jun 99.</p> <p>Elconin provided Gonyah with a cost estimate for disposing of 56 drums from the Roads Maintenance Yard.</p> <p>USAED is planning to conduct community relations meetings at Annette Island. Elconin invited the other agencies to contribute to this effort.</p> <p><b>Action:</b></p> <p>Submit work plan.</p> <p>Coordinate upcoming community relations meetings.</p>
FAA	
FAA	
Jean	
Beyette	
USAED	
USAED	



<p>Deering</p>	<p><u>USCG</u></p> <p>Deering said the pipeline removal work at the main dock has been completed. The product was removed, most of the pipe was removed, and contaminated soil was excavated. MIC will take possession of and land spread the cleaned soil. FAA will take the pipe.</p> <p>USCG has contracted for removal of 40 batteries from the pier, which will be transported to Ketchikan for disposal as hazardous waste. USCG's attorneys are determining which agency will be responsible for funding.</p> <p>Deering will have a budget of \$50,000 this year for investigations. He will discuss with the group where to focus his efforts.</p> <p><b>Action:</b></p> <p>Determine focus of investigations.</p> <p><u>MIC</u></p> <p>ERAC held a meeting. Benson reported that the draft revegetation plan was accepted, pending approval by the Department of Natural Resources.</p> <p>MIC wants to prohibit commercial traffic on Annette Island beaches; reference 31 May 99 memo from Benson to MIC Council). Permits could be granted for a few exceptions; e.g., landing craft.</p> <p>To match the level now used by federal agencies, MIC voted to change benzo(a)pyrene cleanup levels from 0.0000028 to 0.0000044.</p> <p>ERAC and MIC moved that cleanup activities be coordinated through Benson.</p> <p>Benson noted that ADEC does not have jurisdiction on Annette Island, although USCG requested an emergency response for interpretation of sample data from ADEC. This request should have gone through Benson. Atkinson suggested that all correspondence be copied to Benson.</p> <p>A meeting regarding Waldon Road is scheduled for 23 Jun 99.</p> <p>Benson said that documents addressed to him at PO Box 3 will be received faster than those sent to PO Box 8.</p> <p><b>Action:</b></p> <p>Distribute the draft revegetation plan after DNR review.</p> <p><u>BIA</u></p> <p>Gunyah said BIA has contracted with Ty-Matt Ketchikan for UST disposal and site assessment. The soil has been sampled, and results are expected by 11 Jun 99. Two USTs are aboveground; one contains 1,100 gallons of asphalt. The tanks will be disposed of by 18 Jun 99 and coordinated through Benson's office.</p>
<p>MIC</p>	



Gunyah Gunyah		<p>Over 50 drums in the Road Shop area need to be disposed of. Gunyah will contract with USAED for disposal of these drums.</p> <p>Lead-based paint is present in all of the BIA facilities. The useful life of each building expires in 2000; replacement cost is \$500,000 each. In lieu of remediating the old Road Shop building, it is scheduled for replacement at a different site at a cost of \$360,000,. The site could be contaminated to a depth of 4feet. Gunyah wants to coordinate site cleanup activities with the other agencies to reduce costs.</p> <p>Gunyah has researched activities at the Annette Island Airport. He has documented activities from 1939, to the lease agreement of 1948, to the termination of 1974, and final USCG activities in 1977. Standard Oil was given the first lease in 1946 and continued leasing until 1974. Standard Oil did not obtain ownership of the dock and had no obligation or responsibility for maintenance. Gunyah has copies of the original leases and will provide them to the MOU Work Group after the legal department releases them. Atkinson suggested that Gunyah prepare a letter from Mayor Gilmartin requesting that a legal review be accomplished as soon as possible. Gunyah read several excerpts of leases and correspondence to the group and summarized the history of the site. The cover letter to his report serves as an executive summary; he will provide the letter to the group as well. Renk said FAA has also researched their activities and will share this information. They are also negotiating with Chevron. Renk suggested combining the research results into a complete package. Beyette noted that current environmental laws will determine liability for cleanup.</p> <p><b>Action:</b></p> <p>Contract with USAED for disposal of the Road Shop area drums.</p> <p>Distribute copies of leases and the cover letter when legal review is complete.</p>
	<b>3.0</b>	<p><b>Action Items Update</b></p> <p>The group discussed items from the 11 May 99 version of the Interagency Action List.</p> <p>Item 5: Ridolfi advises the MIC Environmental Office. Correspondence should be directed to Benson, who will direct transmittal of information to Ridolfi. The council speaks for the community.</p> <p>Item 11: Benson distributed copies of MIC Environmental Codes, Standards and Regulations, which were passed in April. The group discussed the source of MIC regulations. Ridolfi said that in Dec 98, EPA changed the national recommended water quality criteria, which is why MIC changed the benzo(a)pyrene levels. Benson will distribute future changes.</p>



**Engineers and Constructors**

**ALASKA OPERATIONS**

Contract No. DACA85-95D-0018  
Project: Annette Island

Page 5  
DC#AKT-J07-05M314-G01-0014

Ridolfi said the EPA policy is supportive of assisting tribes with development of regulatory programs and MIC's program is a pilot (one of four nationwide) through Region 10. She distributed copies of the 29 Apr 94 memorandum, "Government-to-Government Relations with Native American Tribal Governments," printed from EPA's web site. Beyette read a letter dated 30 Jul 98 from EPA regarding MIC regulations, wherein EPA said it will defer to MIC's regulations, once adopted; in the meantime, MIC will use EPA closure guidance. The group discussed those regulations.

Beyette proposed that the agencies have a separate work group to discuss regulations and determine needs; his proposal was declined. He is concerned about the \$300,000 budget for sample analysis. Beyette said he has a \$500,000 proposal to remove 16 tanks in August/September but cannot tell the contractor what should be sampled until he has guidance. The regulations should be discussed before field work and sampling begins in July. MIC will request a letter from EPA stating that it will defer to MIC's regulations. Benson will write a letter to the agencies transmitting the regulations, stating that MIC regulations were adopted by the council, and providing the status of EPA recognition of the regulations (e.g., EPA defers to MIC). Benson's letter will be addressed to Powell (FAA), Deering (USCG), Elconin (USAED), and Gunyah/ Boynton (BIA).

Ridolfi explained that the regulations were based upon national water quality criteria and RCRA regulations and soil and groundwater cleanup levels were based on a review of cleanup levels adopted by Region 10. Residential and industrial areas have different cleanup levels, and only a couple sites will use industrial levels because most areas have residential potential. The levels for different components were based upon various state standards within Region 10. MIC groundwater quality standards are being developed based upon a tribal standards template and have been through an initial EPA review. Different regulations are for different water uses. Benson will work with the Department of Fish and Game to establish uses for different water bodies, and Ridolfi/MIC will provide guidance to the agencies regarding water quality criteria. Ridolfi said a comment period will be provided prior to EPA finalization; however, the community may have already adopted the standards in the meantime.

The group discussed quality assurance programs. Most of the agencies have programs but may defer to USAED's QAPP for this year's work. The agencies will meet to determine QA requirements for future projects, with an objective to develop consistent QAPPs. Hanneman recommended using the QA requirements of the State of Alaska as a baseline because the group is already following Alaska analytical methodology. Gunyah said the UST removal contractor is following MIC UST regulations. Boynton will develop a BIA Quality Standards/Quality Assurance Plan by 1 Jul 99.



<p>EPA Benson  Benson  MIC/ Ridolfi MOU Boynton FAA</p>		<p>Item 12: MOU Work Group meetings do not need to be scheduled coincident with ERAC meetings. Benson will notify ERAC when MOU Work Group meets; ERAC members will participate at will.</p> <p>Item 15: The group discussed long-term use of the quarry. Benson talked with the Natural Resources Committee. The committee is not concerned with quarry usage, provided the MOU Work Group does not restrict access to a working area. FAA will consolidate existing metals at the quarry, separate the trash, and take it to the dump; this work will start 12 Jul 99 and be coordinated with USAED. FAA will request an area of the quarry for long-term. The MOU Work Group is scheduled to visit the quarry on 3 Jun 99.</p> <p>Item 18: Boynton reported that the Department of Interior, Office of Environmental Policy and Compliance, will sign off cleaned sites and issue a consent decree. Renk suggested that other federal agencies should sign off as well. The sign-off should also indicate which agency is responsible for maintaining the clean status of these sites.</p> <p><b>Action:</b></p> <p>Submit letter to MIC indicating status of EPA recognition of MIC's regulations.</p> <p>Submit letter to agencies transmitting MIC regulations stating that MIC adopted the regulations and status of EPA recognition of those regulations.</p> <p>Work with the Department of Fish and Game to establish uses for different water bodies</p> <p>Provide guidance to the agencies regarding water quality criteria.</p> <p>Determine QA requirements for future projects.</p> <p>Develop a BIA Quality Standards/Quality Assurance Plan by 1 Jul 99.</p> <p>Request an area of the quarry for long-term use.</p>
	<p><b>4.0</b></p>	<p><b>New Action Items/Issues</b></p> <p><u>TERO</u></p> <p>The agencies are concerned about the 1 percent tax, but federal agencies should be able to obtain a waiver, depending, according to Gunyah, on whether the labor is skilled. TERO applies to general labor, but skilled or specialized (such as HAZMAT-trained) labor may not have to pay the tax. He said BIA pays the TERO tax and suggests that the agencies ask for a waiver immediately. Elconin wants to pursue the determination that federal agencies are exempt instead of asking for a waiver. Exemptions would have to be approved by the council. FAA wants a formal transmittal from MIC that TERO expects to apply the TERO requirements.</p>



**Engineers and Constructors**

**ALASKA OPERATIONS**

Contract No. DACA85-95D-0018  
Project: Annette Island

Page 7  
DC#AKT-J07-05M314-G01-0014

Benson	<p>Gunyah is willing to approach the council jointly with the agencies to discuss the issue. The group discussed which the types of labor would be used on this project and stated that local hire would have priority. Locals could also be trained in HAZWOPER and become skilled labor. Benson will request that Mayor Gilmartin send a letter to the agencies regarding TERO requirements. Renk will draft a response to the TERO requirement and submit it to the agencies (Beyette, Boynton, Elconin, and Deering) for comment.</p> <p><b>Action:</b></p> <p>Request that Mayor Gilmartin send a letter to the agencies regarding TERO requirements.</p>
Renk	<p>Draft a response to the TERO requirement and submit it to the agencies for comment.</p> <p><u>Information Repositories</u></p> <p>Benson said a section of the school library contains most of the project documentation produced to date. He will provide a list of the inventory. MIC will apply for funding from FUDS or NALEMP for administration and maintenance of the information. Beyette said FAA is considering including the report cover pages and executive summaries on its web site, then guiding the reader to the closest repository for the full copy. Repositories will be in four places: Metlakatla, Anchorage, Juneau, and Portland. The group also discussed creation of a geographical information system and will meet later to discuss creation of a coordinated information repository/administrative record in places other than Metlakatla.</p> <p><b>Action:</b></p> <p>Provide a list of the project documentation in the MIC information repository to date.</p>
Benson	<p>Discuss creation of a coordinated information repository/administrative record in places other than Metlakatla.</p> <p><u>C-3 Plan</u></p> <p>Beyette said FAA is ready to complete the C-3 Plan; it has decided which sites to lead and wants the other agencies to sign up for their sites. Boynton said BIA will not sign up until they complete their legal review and the lease history is complete. Deering said USCG will sign as primary lead agency if it receives a definition of lead agency; it will not sign up to pay for all of the work but will serve as coordinator. He is currently reviewing the documentation and conducting a preliminary assessment of the sites.</p>
MOU Work Group	





**Engineers and Constructors**

**ALASKA OPERATIONS**

Contract No. DACA85-95D-0018  
Project: Annette Island

Page 8  
DC#AKT-J07-05M314-G01-0014

Deering	<p>Beyette said the primary lead agency assigned to each site would act as a point of coordination for environmental cleanup at that site, tracking the work and schedule. The lead agency does not necessarily assume responsibility for contamination at the site or funding the cleanup. Deering will compile files on the first 13 sites and determine USCG's role at other sites.</p>
MOU Work Group	<p>The C-3 Plan will be revised to clearly define "primary lead agency." and designate the primary lead agency in the tables. Deering said the estimated cost column was misleading because the costs listed for each site had not gone through the budgetary process and information was not included describing how the costs were developed. The C-3 Plan is a public document that will be submitted to the U.S. Congress; therefore, the cost estimates need to be well documented and not assigned to specific agencies. The group will conduct a teleconference on 8Jun 99 to revise the plan. Elconin will provide Jacobs with revised text by 11 Jun 99, and Jacobs will complete a draft by 18 Jun 99 and submit the revised plan by 22 Jun 99.</p>
Elconin	<p><b>Action:</b></p> <p>Compile files on the first 13 sites and determine USCG's role at other sites.</p>
Jacobs	<p>Conduct a teleconference on 8 Jun 99 to determine how to revise the C-3 Plan.</p> <p>Provide Jacobs with revised text by 11 Jun 99</p> <p>Complete a draft by 18 Jun 99 and submit the revised plan by 22 Jun 99.</p> <p><u>Communication Between Members of MOU Work Group and MIC</u></p> <p>Beyette added this item to the agenda due to the number of e-mail messages between agencies. The group decided to continue e-mailing general communications as issues arise but agreed that contentious issues should be discussed via telephone.</p> <p><u>EPA Representation</u></p> <p>Beyette said that two or three months ago, he went before the Statement of Cooperation (SOC) Group, a conglomerate of federal agencies (i.e., FAA, DOD, EPA, USCG, and DOI). SOC views the MOU Work Group as a success story because no other group of agencies is coordinating environmental cleanup work. Beyette stated that EPA should be present at MOU Work Group meetings because they are the watchdogs for environmental cleanup. Beyette and Renk met with Rick Albright (EPA) regarding the project. Albright said EPA's position is 100 percent involvement or nothing.</p>





Benson	<p>Full-time EPA involvement could be similar to being included on the National Priorities List (NPL) consisting of two Superfund pathways—be listed on the docket or not. Both pathways have agreements, negotiations, and funding and resources for EPA, but all agencies would need to agree on its involvement. This agreement would force the PRPs to take action, provide funding and resources, establish a process, help Metlakatla with resources, and relieve FAA of the lead position. However, the process is time consuming, requires lots of paperwork, could disrupt cooperation between agencies, and could hinder flexibility. Most Superfund and NPL sites do not have federal agency PRPs.</p> <p>Deering said a strong regulatory driver does not exist to raise the priority of this site and, therefore, funding. EPA involvement would raise the priority and funding, but FAA would not necessarily promote this action. Benson said MIC is working directly with Washington D.C. and does not need to go through Albright or other local EPA levels.</p> <p>MIC has more flexibility and available funding by working through Washington but does not have the resources to spend it. He said the council does not want to go through the NPL process because it would lose fish sales and other income. Beyette said FAA is dealing with many EPA offices already (e.g., TSCA, UST, etc.), none of which talk with each other, so they would welcome EPA enforcement. Gunyah said BIA deals strictly with Region 10. The group discussed Kevin Oates' role with EPA. Oates will be involved for a short time, compiling a report about FAA/agency progress, and reporting to Albright. Beyette requested that if MIC gets an SPOC, the individual should be invited to MOU Work Group meetings.</p> <p>The group discussed enforcement of MIC regulations. MIC regulations will be enforced by MIC as necessary, such as for USTs. Other regulations will be enforced by EPA. Deering needs to show USCG's attorneys that regulations will be enforced and requested that Benson include such wording in the letter transmitting MIC regulations.</p> <p><b>Action:</b></p> <p>Pursue an assigned SPOC from Region 10.</p> <p><u>Proposed Lead for the MOU Work Group (BIA)</u></p> <p>Beyette put this item on the agenda to discuss why FAA is the lead agency, yet they do not own any properties on Annette Island, while BIA is the property owner but is not driving the MOU Work Group. Benson said that the council wants to be the "lead agency" because they have contacts with every site. He also noted the possibility that USAED would provide a facilitator, but this step would require time and money. Gunyah said BIA is looking at a 10 percent funding cut so does not have the time or resources to take the lead.</p>
--------	---

	<p>Gunyaah guarantees he will be there after the road project is done (as will MIC), and he will work toward getting a BIA environmental representative stationed in Metlakatla. Beyette said he and Elconin will continue to create agendas, arrange teleconferences, and otherwise lead the MOU Work Group.</p> <p><u>Rhizo/phytoremediation</u></p> <p>Rhizo/phytoremediation is the process of growing plants to remove contaminants from the soil and encouraging the naturally occurring bacteria in the soil to consume POLs. Benson described the experiment being conducted by CRREL (Cold Regions Resource Environmental Labs) and will provide a copy of the reports to Boynton. Deering proposed that the MOU Work Group make a coordinated effort to remediate soil at all the sites and suggested that the soil management plan being used by USCG at Kodiak serve as a template for an MOU Work Group plan to be developed after this field season. POL-contaminated soil may possibly be used to pave the 14.7 miles of Waldon Road.</p> <p><b>Action:</b></p>
USCG	Provide MOU Work Group with copies of the soil management plan being used at Kodiak.
Benson	Provide a copy of the CRREL reports to Boynton.
	<p><u>Fulfillment of Past Action Items/IOUs</u></p> <p>Jean suggested that the MOU Work Group members all read the list of action items and act on their items. The group agreed.</p> <p><b>Action:</b></p>
MOU Work Group	Read the list of action items and act on items (not included on the list).
	<p><u>MIC Responses to FAA Letters</u></p> <p>Benson requested a copy of FAA's 22 Feb 99 letter; Jean will provide a copy. Some issues from FAA's 19 Oct 99 letter remain unresolved; Benson will resolve them with FAA offline. Benson asked that letters not contain so many different issues to resolve and asked for 30 days in which to respond to letters.</p> <p><b>Action:</b></p>
Jean	Provide to Benson a copy of FAA's 22 Feb 99 letter.
Benson/ FAA	Resolve remaining issues from FAA's 19 Oct 99 letter.

Benson MIC		<p><u>4.10 ERAC and Wood Chipping</u></p> <p>Jean described the revegetation/reseeding issue. Not wanting to be held to a higher standard, FAA is concerned about being asked to do more than required at logging areas. Benson will research logging industry requirements.</p> <p>The group discussed chipping wood and what to do with the piles and decided the issue would be addressed in the work plans. The group can use the “Metlakatla Peninsula Cleanup Plan” as a baseline. MIC will review the brushing letter from USAED and respond.</p> <p><b>Action:</b></p> <p>Research logging industry requirements for revegetation/reseeding.</p> <p>Review the brushing letter from USAED and respond to the issue of chipping wood and piles.</p>
Jacobs       FAA     BIA BIA	5.0	<p><b>Schedules</b></p> <p><u>USAED</u></p> <p>USAED will mobilize a preliminary team during the first week of July. Jacobs will begin work 15 Jul 99. The final work plan will be issued 7 Jun 99.</p> <p><b>Action:</b></p> <p>Begin work 15 Jul 99.</p> <p><u>FAA</u></p> <p>FAA’s target date for site preparation work is 12 Jul 99, pending SOW issuance, community cost estimate negotiations, etc. The release investigation should start mid-August and go through the end of September.</p> <p><b>Action:</b></p> <p>Begin site preparation work on 12 Jul 99.</p> <p><u>BIA</u></p> <p>Pending funding, BIA will start drum removal work by mid-July. BIA will contract with USAED to use Jacobs to do the work. BIA will dispose of the USTs by 18 Jun 99 and will complete site assessment work if extensive contamination is not found.</p> <p><b>Action:</b></p> <p>Start drum removal work by mid-July.</p> <p>Dispose of the USTs by 18 Jun 99 and will complete site assessment work if extensive contamination is not found.</p>



USCG		<p><u>USCG</u></p> <p>Pending funding, USCG will award its contract to CH2M Hill in mid-July for a Phase 1 preliminary assessment of 13 sites and complete work in late-August. He will consider looking at any other sites that may have USCG involvement.</p> <p><b>Action:</b></p> <p>Award contract to CH2M Hill in mid-July for a Phase 1 preliminary assessment of 13 sites and complete work in late-August.</p> <p><u>MIC</u></p> <p>Benson said GTE should be finished removing PCBs and asbestos and demolishing buildings by 30 Jun 99. AGI is their prime contractor.</p>
	<b>6.0</b>	<p><b>Newsletter Articles</b></p> <p>Agencies will provide their contributions to Benson by 21 Jun 99. Articles shall be submitted in Word or RTF format.</p> <p><b>Action:</b></p> <p>Provide articles to Benson by 21 Jun 99.</p>
MOU		
Jacobs	<b>7.0</b>	<p><b>Schedule for ERAC and MOU Work Group Meetings and Teleconference</b></p> <p>The next MOU Work Group teleconference is 15 Jun 99 at 1:30 pm.</p> <p>The next MOU Work Group meeting will be in Metlakatla on 21 Jul 99.</p> <p><b>Action:</b></p> <p>Email teleconference agenda to participants on 11 Jun 99.</p> <p>Email MOU Work Group meeting agenda to participants on 19 Jul 99.</p>
Jacobs		
		<p>Meeting adjourned at 5:40 pm (Alaska).</p>